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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/742,151

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Daryl Carvis Cromer

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PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER

TANG, KAREN C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/742,151	Applicant(s) CROMER ET AL.	
	Examiner KAREN C. TANG	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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- This action is responsive to the amendment and remarks file on 1/22/08.
- Claims 1-21 are presented for further examination.
- The arguments found persuasive on applicant's arguments/response Page 8

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 7-13, the word "means" is preceded by the word(s) "computer code means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-18 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

It is not clear which one of four statutory categories does the "service" falls in therefore, the claims are reject as non-statutory subject matter.

Specification

Claim 7-13 are objected to because according to MPEP 608.01, antecedent basis for the terms appearing in the claims, while an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. Applicant will be required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced. “computer readable media” are lacking clear support or antecedent basis in the description of the specification. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7-9, 11, 12, 14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameer et al hereinafter Sameer (US 7,158,778) in view of Cromer et al hereinafter Cromer (US 6,381,636).

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1. Referring to Claims 1, 7 and 14, Sameer discloses an access point configured to receive and store a request to retrieve information from a mobile system associated with the access point (refer to abstract); a mobile system having a wireless network adapter configured to poll the access point to discover the stored request for information on the access point (the device would wake up periodically, refer to Col 2, Lines 60-62);

Although Sameer disclosed the invention substantially as claimed, Sameer is silent regarding ” wherein the mobile system is configured to respond to discovery of the stored request by retrieving the requested information from nonvolatile storage of the mobile system and transmitting the requested information via the wireless network adapter”.

Cromer, in an analogous art disclosed “wherein the mobile system is configured to respond to discovery of the stored request by retrieving the requested information from nonvolatile storage of the mobile system and transmitting the requested information via the wireless network adapter.” (Refer to Col 3, Lines 32-37).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

2. Referring to Claim 21, Sameer discloses the service of claim 14, wherein enabling the mobile client to query the access point, comprises enabling the client to query the access point

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during a subsequent mobile client power on event causing the mobile client to associate with the access point (the device would wake up periodically, refer to Col 2, Lines 60-62).

3. Referring to Claim 3, 9, and 20, Sameer discloses the network of claims 1, 7, and 14, wherein the mobile system is further configured, when in a powered down state, to periodically wake up the wireless network adapter to poll the access point for pending requests (the device would wake up periodically, refer to Col 2, Lines 60-62).

Although Sameer disclosed the invention substantially as claimed, Sameer is silent regarding "wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus."

Cromer, in an analogous art disclosed "wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage (refer to Col 4, Lines 52-65 and Col 3, Lines 30-32), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus (refer to Col 5, Lines 1-3).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

4. Referring to Claim 8, although Sameer discloses the invention substantially as claimed in Claims 7 and 14, Sameer is silent regarding wherein the code means for retrieving the asset information comprises code means for accessing the asset information from nonvolatile storage on the mobile system while the network adapter is powered on; wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus.

Cromer, in an analogous discloses wherein the code means for retrieving the asset information comprises code means for accessing the asset information from nonvolatile storage on the mobile system while the network adapter is powered on (refer to Col 3, Lines 33-38); wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage (refer to Col 4, Lines 52-65 and Col 3, Lines 30-32), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus (refer to Col 5, Lines 1-3).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

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5. Referring to Claims 11, and 12, although Sameer discloses the invention substantially as claimed in Claims 10, Sameer is silent regarding wherein each table entry contains a MAC address of the corresponding wireless network adapter.

Cromer, in an analogous discloses, wherein entry contains a MAC address of the corresponding wireless network adapter (refer to Col 6, Lines 29-43);

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

6. Referring to Claim 19, although Sameer discloses the invention substantially as claimed in Claim 14, Sameer is silent regarding

” wherein enabling the mobile client to retrieve the information includes enabling the wireless adapter to retrieve data from nonvolatile storage directly connected to the wireless network adapter via a system management bus.”

Cromer, in an analogous art discloses “wherein enabling the mobile client to retrieve the information includes enabling the wireless adapter to retrieve data from nonvolatile storage directly connected to the wireless network adapter via a system management bus.” (Refer to Col 3, Lines 32-37)

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

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Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

Claims 2, 13, 15, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameer et al hereinafter Sameer (US 7,158,778) in view of Cromer et al hereinafter Cromer (US 6,381,636) and in further view of “Wake On Lane – An Overview” hereinafter WOL.

7. Referring to Claims 2, 13, and 15, Although Sameer and Cromer disclosed the invention substantially as claimed the network of Claim 1, 7 and 14, Sameer and Cromer are silent regarding “wherein the access point is configured to recognize the request as a packet containing a media access control (MAC) address repeated multiple times and an appended control field.” WOL discloses, “wherein the access point is configured to recognize the request as a packet containing a media access control (MAC) address repeated multiple times and an appended control field.” (refer to Page 1, paragraph 5, WOL further disclosed that the technology could be used on the network interface to signal the device to turn itself on, and the device is a remote device, refer to Page 1, par 2)

Hence, providing features disclosed by WOL, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer and Cromer by including the features that allows servers to

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remotely access information from a power off client because Cromer discloses the use of a “magic packet” sent by server.

8. Referring to Claim 16, Sameer discloses the network of claims 1, 7, and 14, wherein the access point is configured to store the pending request in a table having an entry for each mobile system associated with the access point wherein each entry in the request contains address of the corresponding mobile system’s wireless network adaptor (refer to Col 2, Lines 16-20, and Col 3, Lines 10-25).

Although Sameer discloses the invention substantially as claimed in Claims 10, Sameer is silent regarding wherein each table entry contains a MAC address of the corresponding wireless network adapter.

Cromer, in an analogous discloses, wherein entry contains a MAC address of the corresponding wireless network adapter (refer to Col 6, Lines 29-43);

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

9. Referring to Claim 17. although Sameer discloses the invention substantially as claimed in Claim 16, Sameer is silent regarding wherein each entry in the table is further enabled to store the corresponding mobile system's MIF asset information.

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Cromer, in an analogous art discloses wherein each entry in the table is further enabled to store the corresponding mobile system's MIF asset information (refer to Col 1, Lines 63-67).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

10. Referring to Claim 18. Sameer and Cromer discloses the invention substantially as claimed in Claim 17, Sameer is silent in regards to "wherein the server request is a request for the mobile client's asset information". Cromer, in an analogous art discloses "wherein the server request is a request for the mobile client's asset information" (refer to Col 1, Lines 60-65).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

Because Sameer, Cromer, and WOL do not explicitly teach the concept of storing a valid copy of the mobile client's asset information, the limitations of the claimed conditional statement of "wherein the access point services the request itself if the table contains a valid copy of the mobile client's asset information" are met in that the references will always perform the alternative to the conditional statement.

Claims 4, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameer et al hereinafter Sameer (US 7,158,778) in view of Cromer et al hereinafter Cromer (US 6,381,636) and in further view of Beach et al hereinafter Beach (US 6,067,297).

11. Referring to Claims 4, 5, 6, and 10, Sameer and Cromer discloses the network of claims 1, 7, and 14, Sameer and Cromer did not specifically disclosed in regards to “wherein the access point is configured to allocate an entry in the table when a mobile system associates with the access point, wherein asset information from the mobile system is stored in the allocated entry associated with the mobile system.

Beach disclosed “wherein the access point is configured to allocate an entry in the table when a mobile system associates with the access point, wherein asset information from the mobile system is stored in the allocated entry associated with the mobile system (refer to).

Hence, providing features disclosed by Beach, would be desirable for a user to implement in order to keep track of the status of the client device.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

Conclusion

Examiner’s Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the

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specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/K. C. T./
Examiner, Art Unit 2151

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151